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09/464,855

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WILLEM BULTHUIS

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8178

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07/26/2005

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EXAMINER

D AGOSTA, STEPHEN M

ART UNIT

PAPER NUMBER

2683

21

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/464,855

Applicant(s)

BULTHUIS ET AL.

Examiner

Stephen M. D'Agosta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,7,9-17 and 19-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4,6,7,9-12, 14-17 and 19-23 is/are rejected.  
7) ☒ Claim(s) 13 and 24-26 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claims 1-4, 6-7, 9-18 and 19-26 have been considered but are moot in view of the new ground(s) of rejection.

The examiner has modified his previous rejection based on the new claim amendments. In essence, he has removed Touriemi from the independent claims since Ohashi, Kowalski, Itoh and Nuovo read on the claim limitations.

The examiner points out both rejected and novel/objected-to material.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the **second paragraph** of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim 1** rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner is unsure as to what the applicant means by "the second type of auditory feedback indicating only a progression to a next current option of the set of options, as indicated by the navigating input" (?)

For the purposes of examinations, he interprets as it being only an indication as to the user navigating from one item to another (eg. such as a beep) when in the second, faster mode, as compared to the first, slower mode which would output "information" about the item, such as an audio file which states the actual phone number, person's name, etc. (?). Please confirm.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-9, 11, 15-19, 21, 23, 24 and 26** rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi et al. U.S. Patent 5,481,595 and further in view of Kowalski U.S. Patent 5,095,503, Itoh et al. U.S. Patent 6,205,427 and Nuovo et al. U.S. Patent 6,097,964 and Tuoriniemi et al. US Patent 5,978,689 (hereafter referred to as Ohashi, Kowalski, Itoh, Nuovo and Tuoriniemi).

As per **claim 1**, Ohashi teaches a portable phone (eg. information processing device) comprising a key matrix (eg. user-interface) [figure 3, various buttons; #208, #222, #224, etc.) for enabling a user to interact with the device, the user-interface device comprising:

- a navigating input for enabling the user to navigate in a set of options (figure 3, #222 and #224); (note: Ohashi allows navigating through a MENU [C10, L1-6] and/or through phone numbers in a directory C2, L17-19))
- a memory enabling the user to store an audio file information corresponding to each option of a specific one of the options (figure 1, #30)
- a feedback output to provide respective auditory feedback information to the user about a respective selectable one of the options the user is navigating (C2, L20-30; an option being a phone number); the feedback output providing a first type of auditory feedback information to the user about each respective selectable one of the options, the first type of auditory feedback comprising a play out of the audio file when the user is navigating at a first speed (C2, L24-30 – first speed only)
- a validating input to enable the user to select the current option based on the feedback information (C2, L40-45, specifically L44-45 shows selection of the option/phone number).

**But is silent on:**

- a set of options (other than telephone numbers) to navigate
- and to provide a second different type of auditory feedback information to

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the user about each respective selectable one of the options when the user is navigating at a second different speed.

- the second type of auditory feedback indicating only a progression to a next current option of the set of options as indicated by the navigating input

~~- the first and second types of auditory feedback each being one of a voice output, audible clicks or playing of portion of an audio file.~~

**Kowalski** teaches a cell phone that provide voice-synthesized feedback for options, services, phone numbers, etc.. Since **Ohashi** discusses the merits of hands-free cell phone communications in his invention (C1, L18-67 and C2, L1-10) AND states that voice-synthesis systems can be somewhat limited in their application, one can see the reason as to why he uses audio file recordings for voice output confirmation – but he may have limited himself to phone number play-out only. So a modification to Ohashi for audio file play out for all options, services, phone numbers would be obvious to one skilled in the art based on Kowalski's invention (both playout telephone numbers, now both will play out numbers, options, services, etc.).

**Itoh**, at a high level, teaches a device that has the capability of providing two types of feedback to a user when outputting audible information – the main purpose of his invention is to provide audible output to a user at multiple speeds (a user can be blind [C1, L61-63]). The user can choose to scroll/search at a “normal/slow” speed (which produces audible output the user can understand) and/or at a “fast” speed (which provides a different audible output much faster than the first speed but is still recognizable) [abstract] which reads on “only a progression to a next current option” since the slow-speed will be able to play out more audio than the fast(er) speed.. Itoh states that the faster speed allows the user to “quickly read a sentence” (C1, L11-12) which parallels a form of scanning or fast searching through a large amount of data. Other devices have the same type of ability (eg. tape recorders and CD players allow for normal play and fast forward). Itoh uses voice synthesis while Ohashi uses audio files. Ohashi discussed the merits of not using voice synthesis and his subsequent use of audio files (see above) and the device being operable in a hands-free manner, hence one skilled in the art could modify Ohashi to include a play-out feature with multiple speeds that utilized audio files instead of voice synthesis (this could also be faster and less processor-intensive because the system is only playing out a file and not synthesizing the data).

**Nuovo** teaches a navigation key for a handset (title) that allows a user to navigate/scroll at different speeds (C1, L55-65). One skilled in the art would tie the different scrolling speeds to Itoh's different playout speeds (which has two different audio feedbacks) to allow the audio feedback to keep up with the faster scroll speed.

The examiner notes that the Ohashi/Itoh combination discloses audio read-out (Ohashi - abstract) and first/second types of feedback (normal/fast feed speeds while navigating) that are selected by the user (Itoh – abstract). The examiner interprets that playing names at two different speeds is in the “spirit and scope” of a modification to Ohashi (eg. encompasses beeps/clicks/etc.) to allow a person to key off the different speeds the audio is being output at.

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~~The examiner's Nokia cell phone plays out beeps while navigating and Tuoriniemi teaches that "every push-button telephone gives tones when the number keys are pressed..... Without the beep each time the button is pushed, the user may lose track of the number of pushes or be uncertain as to whether or not the button was pushed far enough..." (C2, L8-13) which discloses ease of navigation.~~

The examiner has found several other references that discuss the ability to scroll at different speeds through a menu (Nuovo teaches "the roller is provided such that it extends perpendicularly to the longitudinal axis of the phone, the scrolling through the items in the menu will be performed like the traditional scrolling, but the scrolling will be much faster. The user is allowed to slow down the speed of the scrolling when he is near the desired item") [C1, L55-65].

Hence, in the examiner's view, one skilled in the art would tie the different scrolling speeds to Itoh's different playout speeds (which has two different audio feedbacks) and ~~Tuoriniemi's beeps to allow the multiple audio feedback types to keep up with the faster scroll speed.~~

It would have been obvious to one skilled in the art at the time of the invention to modify Ohashi, such that; 1) it can navigate a set of options (other than telephone numbers) and 2) it provides a second type of auditory feedback when the user is navigating at a second different speed, to allow for the unit to be operated in a completely hands-free manner (eg. store audio files of options, services, etc.) for playout AND the unit allows for fast scrolling through the options (with multiple auditory feedback types) AND first/second types of auditory feedback being voice, audible clicks or playing portion of audio file, to provide means for the user to navigate at different speeds and still know where they are (while navigating in a set of options) without looking at the device.

As per **claim 2**, Ohashi teaches the device of claim 1, wherein the navigating input comprises a manual input (C2, L40-42 and figure 3, #222/#224).

As per **claim 3**, Ohashi teaches the device of claim 1, wherein the validating input comprises a manual input (C2, L44-45).

As per **claim 4**, Ohashi teaches the device of claim 2, wherein the manual input enables stepping through the set of options (C2, L40-42).

As per **claims 6 and 16**, Ohashi teaches the claim 1/15 and the use of scroll up/down buttons (figure 3, #222/#224) which provide navigation input to enable the user to scan an at least partly linear array of options/subsets (eg. up a list and down a list).

As per **claim 7 and 17**, Ohashi teaches the device of claim 1/15 and the use of scroll up/down buttons (figure 3, #222/#224) which provide navigation input to enable the user to scan an at least partly circular array of options/subsets (eg. cell phones typically wrap around to the first entry when the last entry is reached and vice versa).

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As per **claim 9**, Ohashi teaches the device of claim 1 which comprises a portable/mobile phone (C2, L15 or figure 3) (eg. mobile communication apparatus).

As per **claim 11**, Ohashi teaches the device of claim 1 and a standalone microprocessor [eg. a computer]. (C3, L34-35) which can connect to a controller Lemaire teaches a "computer device" [C3, L58-59] (note phone-like embodiment, figure 1b) that store/play-out audio files and contains a microprocessor (figure 2, #40).

It would have been obvious to one skilled in the art at the time of the invention to modify Ohashi, such that it has computational capabilities, to provide the user with enhanced functionality that is proliferating in more modern phones available off-the-shelf today.

As per **claim 15**, Ohashi teaches a method of enabling a user to interact with an information processing device, the method comprising:

- enabling the user to navigate among a set of options (figure 3, #222/#224);
- enabling the user to store an information corresponding to each option of a specific one of the options (C2, L21-22 – an option being a telephone number)
- [deleted] (C2, L20-30) providing a first type of auditory feedback information to the user about each respective selectable one of the options, the first type of auditory feedback comprising a playout of the audio file when the user is navigating at a first speed (C2, L20-30 – first speed only)
- enabling the user to validate a current one of the options based on the provided feedback information for accessing the selectable one of the options (C2, L40-45, specifically L44-45 shows selection of the option/phone number).

**but is silent on:**

- a list of options (other than telephone numbers) to navigate
- providing a second different type of auditory feedback information to the user about each respective selectable one of the options when the user is navigating at a second different speed.
- the second type of auditory feedback indicating only a progression to a next current option of the set of options as indicated by the navigating input

**Kowalski** teaches a cell phone that provide voice-synthesized feedback for options, services, phone numbers, etc.. Since Ohashi discusses the merits of hands-free cell phone communications in his invention (C1, L18-67 and C2, L1-10) AND states that voice-synthesis systems can be somewhat limited in their application, one can see the reason as to why he uses audio file recordings for voice output confirmation – but he may have limited himself to phone number play-out only. So a modification to Ohashi for audio file play out for all options, services, phone numbers would be obvious to one skilled in the art based on Kowalski's invention (both playout telephone numbers, now both will play out numbers, options, services, etc.).

**Itoh**, at a high level, teaches a device that has the capability of providing two types of feedback to a user when outputting audible information – the main purpose of his invention is to provide audible output to a user at multiple speeds (a user can be

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blind [C1, L61-63]). The user can choose to scroll/search at a "normal/slow" speed (which produces audible output the user can understand) and/or at a "fast" speed (which provides a different audible output much faster than the first speed but is still recognizable) [abstract] which reads on "only a progression to a next current option" since the slow-speed will be able to play out more audio than the fast(er) speed. Itoh states that the faster speed allows the user to "quickly read a sentence" (C1, L11-12) which parallels a form of scanning or fast searching through a large amount of data. Other devices have the same type of ability (eg. tape recorders and CD players allow for normal play and fast forward). Itoh uses voice synthesis while Ohashi uses audio files. **Ohashi** discussed the merits of not using voice synthesis and his subsequent use of audio files (see above) and the device being operable in a hands-free manner, hence one skilled in the art could modify Ohashi to include a play-out feature with multiple speeds that utilized audio files instead of voice synthesis (this could also be faster and less processor-intensive because the system is only playing out a file and not synthesizing the data).

**Nuovo** teaches a navigation key for a handset (title) that allows a user to navigate/scroll at different speeds (C1, L55-65). One skilled in the art would tie the different scrolling speeds to Itoh's different playout speeds (which has two different audio feedbacks) to allow the audio feedback to keep up with the faster scroll speed.

It would have been obvious to one skilled in the art at the time of the invention to modify Ohashi, such that; 1) it can navigate a set of options (other than telephone numbers) and 2) it provides a second type of auditory feedback when the user is navigating at a second different speed, to allow for the unit to be operated in a completely hands-free manner (eg. store audio files of options, services, etc.) for playout AND the unit allows for fast scrolling through the options (with multiple auditory feedback types) to allow the user to know where they are without looking at the device.

As per **claim 19**, Ohashi teaches the method of claim 15 wherein:

- the device comprises a telephone(C2, L15) and
- the set of options comprises telephone extensions (C2, L17-19).

As per **claim 21**, Ohashi teaches the method of claim 15, wherein:

- the device comprises an audio play-out functionality (C2, L25-30);
- the audio information corresponding to one or more of the set of options comprises respective introductory portions of respective audio files (C2, L25-33 – voice tag provides an introductory portion of the audio file).

As per **claim 23**, Ohashi teaches the information processing device of claim 1, **but is silent on** wherein the audio file comprises at least one recorded user-spoken word ~~associated with the option~~ (eg. not a telephone number).

Kowalski teaches a cellular phone that provides voice-synthesized feedback for each function performed by the user (eg. directory number confirmation, option and service selection, etc.) [abstract]. Hence Kowalski provides hands-free operation of a cell phone by providing feedback for "all" options performed by the user. One could



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conclude that Ohashi's cell phone could be enhanced by modifying it to include voice feedback for ALL options based on play-out of recorded audio files (as per his invention's play-out of telephone number options).

It would have been obvious to one skilled in the art at the time of the invention to modify Ohashi, such that his audio file play-out is provided for all user options (menus, phone numbers, emails, etc.), to provide enhanced functionality as is available in off-the-shelf mobile phones today.

As per **claim 26**, Ohashi teaches the information processing device of claim 1, wherein the audio file comprises at least one recorded user-spoken word associated with one of the telephone extensions (C2, L24-36).

**Claim 10, 20 and 25** rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi, Kowalski, Itoh and Nuovo as applied to claim 9 above, and further in view of Macor U.S. Patent 5,901,222 and Schwelb et al. U.S. Patent 5,950,123 (hereafter referred to as Macor and Schwelb).

As per **claim 10**, Ohashi teaches the device of claim 9 **but is silent on** comprising a wireless email terminal for operating with an application server for text-to-speech conversion.

Macor teaches a portable device/phone having wireless electronic messaging capability (C3, L47) since he shows a "Send Message" option (figure 2, top right-hand screen option), an "Incoming message indicator" (C3, L75) and a text message being viewable on the display screen (figure 8, "Hi John.....").

Schwelb teaches a cellular phone network that allows a user to receive email messages in audible form (eg. text-to-speech converted) [C1, L35-39].

It would have been obvious to one skilled in the art at the time of the invention to modify Ohashi, such that the phone has email capability and can interoperate with a text-to-speech application server, to provide the user with enhanced functionality that is proliferating in more modern phones available off-the-shelf today.

As per **claim 20**, Ohashi teaches the method of claim 15 **but is silent on:**

- the device is capable of email communication; and
- the set of options comprises email addresses.

Macor teaches a wireless device/phone that has electronic messaging capability (figure 4, #136 and/or figure 7, #16 shows received message) and therefore would be able to store email addresses.

It would have been obvious to one skilled in the art at the time of the invention to modify Ohashi, such that his device has email capability, to provide enhanced features to the phone which are available today in off-the-shelf models.

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**Claims 12 and 13** rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi, Kowalski, Itoh and Nuovo as applied to claim 1 above, and further in view of Lemaire et al. U.S. Patent 5,444,768 (hereafter referred to as Lemaire).

As per **claim 12**, Ohashi teaches the device of claim 1 **but is silent on** an apparatus for play-out of music files.

Lemaire teaches a computer device (note phone-like embodiment, figure 1b) that stores/plays-out audio files which are music files (eg. can connect to a stereo or tape recorder and record/play-out music) [C5, L6-8 and L15-17].

NOTE: Lemaire's device can record both analog and digitally and alludes to a "list of memories" (C2, L3).

It would have been obvious to one skilled in the art at the time of the invention to modify Ohashi, such that the device can store and payout music files, to provide the user with enhanced functionality that is proliferating in more modern phones available off-the-shelf today.

**Claims 14 and 22** rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi, Kowalski, Itoh and Nuovo as applied to claim 1 above, and further in view of Argyroudis et al. U.S. Patent 5,748,104 (hereafter referred to as Argyroudis).

As per **claim 14**, Ohashi teaches the device of claim 1 **but is silent on** a remote control device for consumer appliances.

Argyroudis teaches a mobile/cell phone remotely activating/deactivating an appliance (C6, L44-47 and figure 1).

It would have been obvious to one skilled in the art at the time of the invention to modify Ohashi, such that the device can remotely control an appliance, thus adding further functionality to the device.

As per **claim 22**, Ohashi teaches the method of claim 15 **but is silent on** wherein:

- the device comprises a remote control device; and
- the set of options comprises a control code for a consumer appliance.

Argyroudis teaches that one could send "control messages from a subscriber station" such as a cell phone "to remotely activate and deactivate an appliance (C6, L44-47).

It would have been obvious to one skilled in the art at the time of the invention to modify Ohashi, such that the device/phone can act as a remote control device and interact with a consumer appliance, to increase the functionality of the device/phone.

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***Allowable Subject Matter***

**Claims 13 and 24-26** objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Based on the current amendment, these claims now recite novel material in the examiner's opinion which is not found in the prior art of record.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta  
Primary Examiner  
6-10-2005

